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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,927	02/04/2004	Michael A. Torgerud	M09702	3500

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/771,927	Applicant(s) TORGERUD, MICHAEL A.	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040204</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno 879 in view of Morikami.

Kanno 879 discloses a throttle control mechanism for a marine propulsion system, comprising;

an operator controlled movable device 116;

a marine propulsion unit 102 connected in signal communication with said

operator controlled movable device 116, said operator controlled movable device 116

being configured to provide a signal to said marine propulsion unit, said marine

propulsion unit comprising an engine 106, and said signal being generally related to a commanded engine speed.

Kanno 879 does not disclose a haptic throttle control mechanism with a vibrating element connected in vibration transmitting relation with said

operator controlled movable device, said vibrating element being configured to

vibrate in a manner which is generally representative of an operating characteristic of said marine propulsion system.

Morikami discloses vibrating element 16, element 16 being a buzzer creating a sound by vibration. The buzzer 16 of Morikami is configured to vibrate in a manner which is generally representative of an operating characteristic of the marine propulsion system (see column 5, lines 10-44). Buzzer 16 of Morikami is associated with monitor gage 19. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a buzzer similar to 16 of Morikami to indicate in the manner taught by Morikami when a sensor of Kanno 879 malfunctions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to locate this buzzer on display unit 120 of Kanno 879 so that the buzzer is a vibrating element connected in vibration transmitting relation with said operator controlled movable device 116 of Kanno 879, the vibrating element or buzzer being configured to vibrate in a manner which is generally representative of an operating characteristic of said marine propulsion system.

With regard to claim 5, see 260 of Kanno 879.

Note that the buzzer of Morikami is configured to vibrate at a frequency which is representative of the actual engine speed, which is directly proportional to the actual engine speed and which is representative of an alarm condition. Note the diagnosis mode, the alarm mode and the warning mode sounds of the buzzer of Morikami all based upon engine speed.

3. Claims 3 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno 879 and Morikami as applied to claim 1 above, and further in view of Kanno 261.

It is unclear if throttle control mechanism 116 of Kanno 879 has a range of travel which includes a forward speed segment and a reverse speed segment. Kanno 261 discloses a throttle control mechanism 16 which has a range of travel which includes a forward speed segment and a reverse speed segment-see column 2, lines 45-52. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the throttle control mechanism 116 of Kanno 879 with a range of travel which includes a forward speed segment and a reverse speed segment in view of the teachings of Kanno 261. Motivation to do so is to control speed of the engine in both forward and reverse modes of operation.

4. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno 879, Morikami and Kanno 261 as applied to claim 3 above, and further in view of Fossard et al.

The vibrating element provided to Kanno 261 in view of buzzer 16 of Morikami is not an unbalanced eccentric object rotating component attached to a shaft of an electric motor and rotating about an axis which is not aligned with a center of gravity of the object.

Note vibration generator 12 of Fossard et al used as a warning device for the deaf or partially deaf. Note object 71 and electric motor 38 of Fossard et al. It would have been

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide with the buzzer provided to Kanno 879 a vibration generator similar to 12 of Fossard et al. Motivation to do so is to provide a warning device for a deaf person using the boat of Kanno 879.

5. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno 879 and Morikami as applied to claim 1 above, and further in view of Fossard et al.

The vibrating element provided to Kanno 261 in view of buzzer 16 of Morikami is not an unbalanced eccentric object rotating component attached to a shaft of an electric motor and rotating about an axis which is not aligned with a center of gravity of the object. Note vibration generator 12 of Fossard et al used as a warning device for the deaf or partially deaf. Note object 71 and electric motor 38 of Fossard et al. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide with the buzzer provided to Kanno 879 a vibration generator similar to 12 of Fossard et al. Motivation to do so is to provide a warning device for a deaf person using the boat of Kanno 879.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno 879, Morikami and Fossard et al as applied to claim 9 above, and further in view of Kumon.

The buzzer provided to Kanno 879 in view of Morikami does not comprise a piezoelectric component. Not the piezoelectric buzzer of Kumon. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains to make the buzzer provided to Kanno 879 similar to the buzzer of Kumon. Motivation to do so can be found in the first paragraph under the Summary of the Invention of Kumon.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosenberg is cited for what is disclosed in paragraphs [0037] and [0041]. Shahoian is cited to show 28 and 30, and 34 and 36. Yone et al is cited to show haptic feedback on an accelerator pedal. Levin et al 823 is cited to show haptic feedback on a shift device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sherman D. Basinger
Primary Examiner
Art Unit 3617

12/15/05